IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7806 of 2007()

CRIME NO. 946/07 OF ADOOR POLICE STATION

PETITIONERS/ACCUSED NOS.2 TO 5:

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1. MARYKUTTY, AGED 55 YEARS,
   W/O. MATHAIKUTTY, PLAVILAVADAKKETHIL HOUSE,
   THENGAMAM MURI, PALLICKAL VILLAGE, ADOOR TALUK,
   PATHANAMTHITTA.

2. MATHAIKUTTY, AGED 62 YEARS,
   PLAVILAVADAKKETHIL HOUSE, THENGAMAM MURI,
   PALLICKAL VILLAGE, ADOOR TALUK, PATHANAMTHITTA.

3. STANLEY, AGED 25 YEARS,
   S/O. MATHAIKUTTY, PLAVILAVADAKKETHIL HOUSE,
   THENGAMAM MURI, PALLICKAL VILLAGE, ADOOR TALUK,
   PATHANAMTHITTA.

4. LENI, AGED 22 YEARS,
   D/O. MATHAIKUTTY, PLAVILAVADAKKETHIL HOUSE,
   THENGAMAM MURI, PALLICKAL VILLAGE, ADOOR TALUK,
   PATHANAMTHITTA.

BY ADV. SRI. K.SHAJ
SRI.SAJJU.S

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7806 of 2007

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Dated this the 19th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioners are the relatives of the husband of the defacto complainant. They, along with the husband of the defacto complainant, face allegations of matrimonial cruelty of the culpable variety punishable under Section 498A I.P.C. The marriage took place on 15.6.2003. One child has been born in the wedlock. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued in favour of the petitioners. In coming to this conclusion I take note of the reality that the arrest and incarceration of the petitioners is likely to mar all possibilities of reconciliation of

marital relationship. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners, I am satisfied.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 26.12.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 27.12.07, and 28.12.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 27.12.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 27.12.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 27.12.2007.

(R. BASANT)
Judge

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